



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/036,703

12/31/2001

Michael M. Tso

42390P4474D

4985

8791

7590

01/18/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/036,703	<b>Applicant(s)</b> TSO, MICHAEL M.	
	<b>Examiner</b> Patrice Winder	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 27-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Affidavit***

1. The affidavit filed on October 27, 2005 under 37 CFR 1.131 is sufficient to overcome the Kavner reference.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 27-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Jin Jung et al., A Proxy Assisted On-Line Predictive Prefetching Algorithm.
4. Claims 1-8, 27-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson, USPN 6,769,019 B2 (hereafter referred to as Ferguson).
5. Regarding claim 1, Ferguson taught a method of suspending a network connection used for lower priority transmissions between a client platform and a server platform (abstract) comprising:

determining a characteristic of a transmission between the client platform and the server platform, said characteristic consisting essentially of a high priority transmission and a low priority transmission (column 11, lines 63-67; column 12, lines 1-8) ; and

suspending the connection if the characteristic of the transmission comprises a high priority transmission (column 11, lines 4-7).

6. Regarding dependent claim 2, Ferguson taught the low priority transmission comprises a pre-fetching request (column 7, lines 3-8).

7. Regarding dependent claim 3, Ferguson taught the high priority transmission comprises a user request (column 6, lines 61-67).

8. Regarding dependent claim 4, Ferguson taught suspending the connection includes closing the connection (stateless HTTP connection is closed when stream is interrupted, column 12, lines 26-37).

9. Regarding dependent claim 5, Ferguson taught resuming at least one low priority transmission via the connection after the high priority transmission is complete (column 14, lines 11-15; column 18, lines 26-31).

10. Regarding dependent claim 6, Ferguson taught the method further comprising:  
maintaining the connection if the characteristic of the transmission comprises a lower priority transmission (column 12, lines 2-7).

11. Regarding dependent claim 7, Ferguson taught the client platform comprises: one of a personal computer, a router, a switch, a bridge and a hub (column 4, lines 1-11).

Art Unit: 2145

12. Regarding dependent claim 8, Ferguson taught the server platform comprises one of a personal computer, a router, a switch, a bridge and a hub (column 4, lines 1-11).
13. Regarding claim 29, Ferguson taught a method comprising:  
suspending a pre-fetching request between a client platform and a server platform when a higher priority browser request is made by the client platform (column 11, lines 63-67; column 12, lines 1-8).
14. Regarding dependent claim 30, Ferguson taught the method further comprising:  
determining a characteristic of a transmission between the client platform and the server platform (column 11, lines 63-67; column 12, lines 1-8).
15. Regarding dependent claim 31, Ferguson taught determining a characteristic includes determining if the characteristic is a high priority transmission or a low priority transmission (column 11, lines 63-67; column 12, lines 1-8).
16. Regarding dependent claim 32, Ferguson taught suspending a pre-fetching request includes closing a connection between the client platform and the server platform (stateless HTTP connection is closed when stream is preempted, column 12, lines 26-37).
17. Regarding dependent claim 33, Ferguson taught resuming at least one low priority transmission via the connection after the high priority transmission is complete (column 14, lines 11-15; column 18, lines 26-31).
18. Regarding claim 34, Ferguson taught an article comprising:

a machine readable storage medium having stored thereon instructions capable of being executed by a data processing platform, said instructions being adapted to (Table 8, columns 22-23):

determine a characteristic of a transmission between a client platform and a server platform, the characteristic comprising a high priority transmission and a low priority transmission (column 11, lines 63-67, column 12, lines 1-8); and

suspending the connection if the characteristic of the transmission comprises a high priority transmission (column 12, lines 4-7).

19. Regarding dependent claim 35, Ferguson taught resuming at least one low priority transmission via the connection after the high priority transmission is complete (column 14, lines 11-15; column 18, lines 26-31).

20. Regarding dependent claim 36, Ferguson taught the instructions are further adapted to perform a pre-fetching request between the client platform and the server platform (column 7, lines 3-8).

21. Regarding dependent claim 37, Ferguson taught the instructions are further adapted to close the connection (stateless HTTP connection is closed stream is preempted, column 12, lines 26-37).

### ***Response to Arguments***

22. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

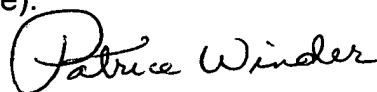
23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. Lambert et al., USPN 6,038,601: taught Bandwidth Management in Section 4.3 where lower priority requests are pre-empted by higher priority requests.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrice Winder  
Primary Examiner  
Art Unit 2145

January 11, 2006